

REMARKS

Claims 1-61 are pending in the application. Claims 1-61 are rejected under 35 U.S.C. § 102(b) as being anticipated by Bennett et al.

The present application claims that benefit of a prior filed non-provisional application under 35 U.S.C. § 120, §121, or §365(c). The prior filed application S.N. 09/856,869, PCT number, PCT/AU99/01047 was filed on November 24, 1999 and further claims a foreign priority date of November 24, 1998 from application PP7293. A copy of the international application was communicated to the U.S. Patent and Trademark Office from the International Bureau on June 2, 2000. A demand for international preliminary examination, in which the United States was elected, was filed on May 18, 2000, prior to nineteen months from the priority date.

The Examiner indicates there was no copendency between the present application and the prior application. Enclosed is a copy of the decision on a petition reviving the prior application 09/856,869. It is respectfully requested the Examiner acknowledge the claim for domestic and foreign priority.

In view of the continuation information it is respectfully requested the rejection with regard to the WO application 00/30727 being withdrawn.

Submitted herewith are substitute formal Figures 14 and 15 implementing the corrections added to the drawings on January 6, 2003. No new matter is entered.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



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In re Application of
BENNETT et al.
Application No.: 09/856,869
PCT No.: PCT/AU99/01047
Int. Filing Date: 24 November 1999
Priority Date: 24 November 1998
Attorney Docket No.: 3195/FBR
For: SLOT MACHINE PIN AND BALL GAME

:
: DECISION ON
: PETITION UNDER
: 37 CFR 1.137(b)
:

This decision is in response to applicant's "Petition to Revive Unintentionally Abandoned Application Pursuant to 37 C.F.R. § 1.137(b)" filed 13 May 2003.

BACKGROUND

On 24 November 1999, applicants filed international application PCT/AU99/01047 which claimed a priority date of 24 November 1998. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 02 June 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 18 May 2000, prior to nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 24 May 2001.

On 24 May 2001, applicant filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, an authorization to charge the U.S. Basic National Fee to Deposit Account No. 50-1290 and a declaration of inventors.

On 27 June 2001, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/US 909) indicating that Deposit Account No. 50-1290 had insufficient funds on 01 June 2001 and that the application was abandoned as to the United States of America for failure to pay the U.S. Basic National Fee by thirty months.

On 13 May 2003, applicants filed the instant "Petition to Revive Unintentionally Abandoned Application Pursuant to 37 C.F.R. § 1.137(b)".

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

- (1) The required reply;
- (2) The petition fee;
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 13 May 2003.

As to item (2), applicant submitted the petition fee on 13 May 2003.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

The declaration of inventors filed 24 May 2001 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including according the application a 35 U.S.C. 371(c) date of 13 May 2003.



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